

SECOND ADDENDUM TO
RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

AUG 26 1998

IN THE MATTER OF:

DOCKET NUMBER: 96-00462, Cs#2

COUNSEL: [REDACTED]

HEARING DESIRED: NO

RESUME OF CASE:

In an application dated 6 February 1996, applicant requested that his character/disorder discharge be upgraded.

On 14 November 1996, the Board considered and denied applicant's request. A complete copy of the Record of Proceedings (ROP) is attached at Exhibit R.

Applicant submitted additional documentation which was examined by the Board. On 14 March 1997, applicant was advised that the Board concluded the documentation did not meet the criteria for reconsideration (Exhibit S).

Applicant again submitted additional information which was forwarded to the Board for review, after obtaining an advisory opinion from the BCMR Medical Consultant. The Board considered and denied applicant's request on 10 March 1998. A complete copy of the Addendum ROP is attached at Exhibit T.

Applicant submitted additional information which was reviewed by the AFBCMR staff and determined not to meet the criteria for reconsideration. On 5 June 1998, he was so advised (Exhibit U).

Applicant submitted a letter to the Executive Director, AFBCMR, again requesting that the previous information be reconsidered (Exhibit V). In addition, applicant submitted new documentation to the Secretary of the Air Force which is attached at Exhibit W. His case has been reopened at this time.

THE BOARD CONCLUDES THAT:

Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After thoroughly reviewing the entire case file again, to include the documentation attached to his latest letter and his submission through the office of the Secretary of the Air Force, we reaffirm our earlier decision that there is insufficient documentation indicating that there were medical conditions which required

processing through the Air Force disability system during the time period applicant was on active duty. In short, applicant has again failed to sustain his burden of establishing the existence of either an error or an injustice warranting favorable action on these requests. Applicant has received a disability rating from the VA, and we believe that the VA is the appropriate agency for awarding compensation for his conditions. We again note that the Air Force and the VA are separate federal agencies and operate under different laws and policies. The Air Force assesses a service member's disability with respect to fitness for duty, while the VA rates for any and all service connected conditions, to the degree they interfere with future employability, without consideration of fitness. In view of the foregoing and in the absence of persuasive evidence to the contrary, we again find no compelling evidence upon which to recommend the requested relief.

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered this application in Executive Session on 6 August 1998 and 21 August 1998, under the provisions of AFI 36-2603:

Ms. Martha Maust, Panel Chair
 Mr. Vaughn E. Schlunz, Member
 Mr. Jackson A. Hauslein, Member

The following documentary evidence was considered:

Exhibit R. ROP, dated 23 Dec 96, w/atchs.
 Exhibit S. Letter, AFBCMR, dated 14 Mar 97, w/atchs.
 Exhibit T. Addendum ROP, dated 3 Apr 98, w/atchs.
 Exhibit U. Letter, AFBCMR, dated 5 Jun 98.
 Exhibit V. Applicant's submission, undated.
 Exhibit W. Applicant's submission via SAF ofc, w/atchs.


 MARTHA MAUST
 Panel Chair